

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

GINGER CRAVEY, as Administratix of )  
the Estate of Riley Cravey, deceased, )  
Plaintiff, )  
v. ) CASE NO. 2:06-CV-191-WKW  
TMA FOREST PRODUCTS GROUP, et al. )  
Defendants. )

**ORDER**

This cause is before the Court on Plaintiff's Motion to Remand (Doc. # 13). Upon consideration of the arguments, relevant law, and evidentiary submissions of the parties, the Court finds that:

- (1) The Court has jurisdiction of this action in diversity under 28 U.S.C. § 1332 and § 1337;
- (2) Defendant D & D Lumber Company, Inc., doing business as Lockhart Lumber Company, is fraudulently joined, as it is uncontested that said Defendant never controlled, operated, owned, or managed the site from which the allegations in this action arise, *see generally Legg v. Wyeth*, 428 F.3d 1317 (11th Cir. 2005);
- (3) The "common defense" issue is moot in view of the existence of complete diversity.

For the foregoing reasons, it is ORDERED that the Motion to Remand (Doc. # 12) is DENIED.

DONE this the 12<sup>th</sup> day of May, 2006.

/s/ W. Keith Watkins  
UNITED STATES DISTRICT JUDGE